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SUBJECT: VATICAN GRAPPLES WITH UNCERTAINTIES OF AN INCAPACITATED POPE

REF: VATICAN 0380

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Summary  
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1. (SBU) Pope John Paul II's February 24 tracheotomy will leave the already frail Pope further debilitated and unable to speak for some period of time. His deteriorating condition has already generated extensive media speculation about the possibility of a Papal resignation and the impact of severely restricted Papal activity on the Catholic Church. Although provisions exist in Church law for the Pope to resign, there is little chance of Pope John Paul II doing so. Less clear is what happens if a pope loses the ability to communicate or loses his mental faculties. Some provisions exist in Church law to deal with a pope's total incapacity to fulfill his duties, but the provisions are either ambiguous or secret. There is also speculation that Pope John Paul may have written a letter of resignation to take effect in the event of total incapacity. If Church law does not resolve the issue, and there is no Papal letter of resignation, Church government would continue to function, guided by top-ranking Curial officials and perhaps by the Pope's closest advisors. End summary.

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Retirement Possible but Unlikely  
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2. (SBU) In the aftermath of the Pope's second hospitalization in three weeks, the 84-year old pontiff's infirmities are a growing cause for concern among senior Vatican officials and the Church's 1.2 billion faithful. The Catholic Church's canon law makes provision for papal retirement: he must do so freely and the decision must "be duly manifest," made either in writing or orally before two witnesses. There is no need for any person or office to accept the resignation, though it would be "tendered" to the College of Cardinals. Throughout the Catholic Church's history, resignation by a pope is rare, but not unknown, having occurred five times in the Church's early history. Celestine V in 1294 resigned after a few months as bishop of Rome -- for this "great refusal" Dante placed Celestine in the vestibule of his Inferno.

3. (SBU) Despite this theoretical possibility, there is little chance of Pope John Paul II making use of these provisions. He has made it clear that he does not intend to resign, most recently during his prayer encounter with pilgrims and visitors to Vatican City after his first hospitalization on February 13. "I need your help to continue to carry out the mission that Jesus has entrusted to me," he insisted. Previously the Pope has said that there is no place in the Church for an emeritus pope and that he will soldier on "for as long as God wishes." While it is conceivable that a man of intense spirituality like Pope John Paul II might consider an inability to exercise his ministry because of illness or infirmity a sign that God no longer wished him to continue as pope, those who know him best insist that he regards the papacy not as a job, but a mission assigned by God that only God can conclude.

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Papal Incapacity  
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4. (SBU) Beyond the issue of resignation, experts in ecclesiastical law have begun to examine more urgently the question of a pope's inability to exercise his office. This situation is also dealt with specifically in canon law and is comparable to any lower-level episcopal "see" or diocese in which the bishop is unable to carry out his duties. It is essential to recall that the pope is first and foremost the bishop of Rome -- his primary title in the Vatican's official directory. It is because he is bishop of Rome that he is pope, and not the other way around. If a bishop is unable to exercise his episcopal authority, then canon law describes his see as "impeded." A diocese is impeded if the bishop is captured, exiled or incapable, and he is therefore prevented from fulfilling his duties and communicating with the people of his diocese. Anticipating such a situation during World War II, Pope Pius XII, who thought he might be the subject of a German

plan to kidnap him, prepared a letter of resignation to become effective in the event of his capture. The Pope is said to have reasoned that in German hands he would no longer be Pius XII, but merely his pre-papal self, Cardinal Eugenio Pacelli.

15. (SBU) Canon law prescribes a series of provisions to resolve an impeded see, including deputies or other officials temporarily taking office until the bishop is able to reassume his duties, or until a new bishop is appointed. A similar law applies to the Roman see or diocese -- the diocese of the pope. During the time of the impeded Roman see (most often the

inter-regnum after the death of a pontiff) "nothing is to be innovated in the governance of the universal Church; however, special laws enacted for these circumstances are to be observed." The "special laws" currently in place relate to the election of a new pope on the death of the incumbent (reftel). They do not, however, address what is sure to be a complex issue of an impeded Roman see when a pope might fall into a coma or other total disability, lose mental capacity, or be otherwise physically or mentally incapacitated from either exercising his office or resigning. Furthermore, there is no provision that lays out who is to judge if a pope or bishop is truly incapacitated. As many reformers have noted, these represent serious vacuums in canon law.

16. (SBU) One possible explanation of the "special laws" referred to above is that they have been drawn up secretly and address the issue of an impeded Roman see more specifically. Since ecclesiastical protocol precludes any serious public discussion about papal succession when the incumbent is still "gloriosamente regnante" (gloriously reigning), there would be no opportunity to review these rules publicly in any case. Another possibility frequently mentioned is that the Pontiff has anticipated the eventuality of his total incapacity to govern the Church by preparing a letter of resignation. This would likely be held either by the Secretary of State, Cardinal Angelo Sodano, or the Pope's personal secretary of some 40 years, Archbishop Stanislaw Dziwisz, and would be made public should the eventuality occur. Pope John Paul II's sense of responsibility and his practical nature make such a provision entirely plausible despite his determination to soldier on to the end.

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Comment  
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17. (SBU) Despite the Pope's increasing frailty and difficulties in personally communicating his message to the faithful, no one has suggested that the Pope is unable to communicate his direction for the Church. As long as the Pope is able to communicate, by writing, body language, or voice, the Vatican will continue functioning effectively, albeit with a more complicated public profile. When the Pope was hospitalized earlier this month, the Holy See continued to function with little discernable drop in activity. Even if the Pope were to become incapacitated and the issue of what to do in case of incapacitation were not resolved by Church law or a Papal letter of resignation, Church government would continue to function, guided by top-ranking Curial officials and perhaps by the Pope's closest advisors. In such a circumstance, however, the Vatican would effectively be on an autopilot that would severely limit any new policy or theological directions within the Holy See. It is this case that has many in the Vatican worried, and is likely to be examined more critically in the future.

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